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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,525	01/14/2004	Donald W. Gordon	035-1-008	5578

27469 7590 01/22/2007
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EXAMINER

DONNELLY, JEROME W

ART UNIT	PAPER NUMBER
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3764

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/758,525

Applicant(s)

GORDON, DONALD W.

Examiner

Jerome W. Donnelly

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) ____ is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) ____ is/are rejected. *1-4 6-8 13, 14 16, 17, 24 and 25*
- 7) ☒ Claim(s) ____ is/are objected to. *5, 9, 10, 11, 12, 15-18 and 20-23 are)*
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



JEROME DONNELLY
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

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Claims 5, 9, 10, 11, 12, 15, 18 and 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 7, 16-19, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Nissen 3339925.

Nissen discloses a device comprising at least one rebound surface, flexible material extending vertically upward from said surface, an opening, a rebound surface mounting frame, a flexible material mounting frame and coupling members (60).

In regard to claim 6 –7 note elements 16 and 52 which can be interpreted as being a portion of the flexible frame assembly.

In regard to claims 16-19 note the four surfaces 14, 22 and 49 of Nissen wherein the flexible material (59) divides the at least one rebounding surface into four surfaces which will broadly be considered as play areas.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 8, 13, 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Nissen (3201126) in view of Laseman et al 4483531.

Nissen discloses the device of claims 1, 7 and 8 substantially as claim absent the teaching of his device including cross members which are padded and coupling members interconnecting his frame members and allowing movement of the frame in relation to a second frame.

As to the device including coupling members the examiner notes that it is well known in the art and that it would have been obvious to one of ordinary skill in the art to provide coupling members between the frame members 12 of Nissen for the purpose of securely attaching the frame members together.

As to the device including padding the examiner notes that it is well known to include padding on any and all cross members of an exercising device wherein it is desirable to shield a user against undue hard contact with rigid portions of a device.

In regard to claims 2-4 the examiner notes that it would have been obvious to one of ordinary skill in the art to include slidable sleeves, which are removable, secured to the rebound surface-mounting frame in view of the sleeve members (36) of Laseman et al.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the plurality of play chambers openings, tunnel, horizontal and vertical surfaces of showers.

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Note the overall device of Gordon.

Any inquiry concerning this communication should be directed to Jerome Donnelly at
telephone number (571) 272-4975.

Jerome Donnelly

JEROME DONNELLY
PRIMARY EXAMINER

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.